

APPROVED: Meeting No. 1-81

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 46-80

December 22, 1980

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, December 22, 1980, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen M. Heneghan; City Attorney Roger Titus; Chief of Police Jared Stout; Director of Planning James M. Davis; Director of Public Works Robert Goodin; Director of Community Development Douglas Horne; Assistant City Manager Daniel Hobbs.

Re: City Manager's Report

Mr. Blick reported the following:

1. The City expects the auditorium and the sculpture to be completed about mid January. Rededication of the auditorium theatre and the unveiling of the sculpture has been scheduled for Friday, January 30.

2. The latest word from the Chessie Systems is that the new commuter rail station will not open until after the first of the year. The contract indicates that the B&O station will not be moved until about three weeks after the commuter rail station opens.

Re: Appointment

Mayor Hanna, with the confirmation of the Council, made the following appointment:

Cultural Arts Commission: Louise F. Blue
1286 Kersey Lane
2 year term

Re: Approval of storm water management
waiver and acceptance of contribu-
tion: Halpine - Blk 10 and part
of Blk 11

This parcel is in the Rock Creek Drainage Area and is bounded by Rockville Pike

Halpine Road, Chapman Avenue and Bouic Avenue. It is located across the street and just upstream from a Twinbrook Metro Station SWM facility.

On December 4, 1978, the Mayor and Council authorized up to \$36,000 for the west Twinbrook Metro Station facility to be expanded by WMATA to maximize the detention and to provide for off-site SWM for increased run-off caused by development of the Holiday Inn lot (which occupies nearly half of the area west of the tracks served by the enlarged facility). It is expected that the facility west of the tracks will be maintained by the City and will have a minimum capacity of 3 acre feet, more than double that needed by the subject request. An on-site facility would result in under utilization of the expanded Metro SWM facility.

Since on-site SWM would have an adverse impact on the subject site and since there is a near by off-site facility easily able to accommodate the increased run-off, the Committee recommends that the on-site SWM requirement be waived and the developer be permitted to make a contribution toward the off-site program.

Such a contribution would be \$81,000 (9 gross acres @ \$9,000) and would be subject to approval by the City and a conformable waiver by the Montgomery Soil Conservation District.

Councilman Tyner asked if the staff can give the neighborhood assurance that the run off from the Holiday Inn and the Ardennes Development will be completely covered by this facility. Mr. Goodin said it can be handled adequately without on-site SWM. Councilman Tyner asked if the proposed new structure of the off-site facility would handle all the new buildings developed there due to Metro. Mr. Goodin said it is the staff's feeling that all of that will be handled.

On motion of Councilman Abrams, duly seconded and unanimously passed, the staff was authorized to accept the contribution of \$81,000 and approve the off-site construction.

Re: Introduction of Ordinance: To
enact a new Chapter 22 of the
"Laws of Rockville", entitled
Secondhand Precious Metal Dealers

On motion of Councilman Tyner, there was introduced upon the table, an ordinance enacting a new Chapter 22 of the "Laws of Rockville" entitled

Secondhand Precious Metal Dealers, said ordinance to lay over at least one week before final action is taken.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Senator Sarbanes, re passage of revenue sharing bill
Mayor Hanna noted that the Country now has a revenue sharing bill; however it is funded at the same or the current level of funding as last year with no inflation factor built in so there will certainly be a shortfall.
2. Ms. C. Woodward, Collingswood, re thank you for City Service
3. D. Duncan, Chairman of Human Rights Commission, re quarterly report
Councilman Tyner asked if the Human Rights Commission has yet met with the Housing Authority as mentioned. The City Manager said he did not know and would be checking that.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Copy of letter from Rose Crenca re Newsletter
2. Memo from Public Works re Edmonston Drive Bridge reopening
Councilman Tyner noted that the staff will shortly be hearing from citizens asking that a right hand turn onto Lewis Avenue be banned during rush hour when the bridge is opened. The City Manager said the Traffic and Transportation Commission is currently looking into several alternatives to determine which course to take and he thought the rush hour idea might be an excellent one.
3. Copy of memo to City Manager re Revocation of Use Permit
4. Copy of letter sent to Delegation from Montgomery County Chamber of Commerce
5. Memo from City Manager re State Grant for Traffic Signs
Councilman Freeland said he has no objection to the City Manager pursuing this and the Council agreed. Councilwoman Fordham asked if there will be a necessity of matching funds. The City Manager said there would be none.
6. Memo from City Manager re Attendance at training session
7. Memo from Planning Director re Historic District's preservation program
Councilwoman Fordham thanked the staff for the work done on the program and noted that there will be a good deal of work ahead.

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 44-80, December 8, 1980, were approved as amended.

Re: Adoption of Ordinance: To Grant
Text Amendment Application, T-41-80

Ordinance No. 36-80

Councilwoman Fordham moved, duly seconded, to amend the ordinance to include C-2 as an area of prohibited use. This amendment would in effect delete shooting ranges from operation in the general commercial area.

Councilman Abrams moved to amend the amendment to insert a clause to the effect that if the previous amendment is not acceptable, it would not nullify the entire ordinance. Mr. Titus explained that that is not necessary since that clause is mentioned at the beginning of Chapter 6 of the Zoning Ordinance. Councilman Abrams withdrew his amendment.

Councilman Tyner said that the amendment limits shooting ranges to only one or two parcels in the City. He could propose a further amendment and delete the I-4 zone and that would place the Mayor and Council back at the original ordinance which bans shooting ranges completely.

Councilman Abrams said he beleives the amendment is consistent with the entire decision and not spot zoning. Councilman Freeland said his only objection from the beginning was to the location in the Town Center, not to the facility itself. Councilwoman Fordham spoke and said she is not happy with the ordinance or the amendment, but she feels the combination at least takes the Mayor and Council one step closer to were she would like to see it.

Mayor Hanna commented that the City pulled the rug out from beneath the entrepreneur at the ninth hour when he proposed to place the shooting range in the Town Center. He has since heard that the applicant is negotiating for property in the C-2 zone and sees the Mayor and Council repeating the previous actions. He feels small business owners will think twice before locating in Rockville in the future. Councilman Abrams disagreed. He said he is not ready to disallow shooting ranges entirely and this evening's amendment should not come as a surprise to anyone, including the applicant, since three weeks ago he attempted to amend the ordinance to accomodate this and was told by the City Attorney that it could not be done at that time. When he was given that informtion he planned parallel legislation, but now the Attorney's office has reversed their previous decision and the amendment deleting the C-2 seems the best course.

Councilwoman Fordham's motion to amend the ordinance passed with Councilmembers Abrams, Fordham and Tyner voting aye, Mayor Hanna and Councilman Freeland voting nay.

On motion of Councilman Abrams, duly seconded and passed, Councilmembers Abrams, Fordham and Tyner voting aye, and Mayor Hanna and Councilman Freeland voting nay, Ordinance No. 36-80, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council granting text amendment application T-41-80, was adopted by the Mayor and Council.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wish to address the Mayor and Council.

1. Evelyn Roberts, 530 Azalea Drive. Mrs. Roberts said that she recently attended the Christmas show sponsored by the Rockville Municipal Art Gallery at the Mansion and she observed deteriorating conditions which upset her. There is rotting wood, there are leaves in gutters, and there are wooden areas that are rotting away. Work is needed on the portico in the front and at the garden side. She urged the Mayor and Council to plan for repairs and budget funds for that in the future rather than adding items such as the sculpture.

Mayor Hanna said he shared Mrs. Roberts concern and that is why the Mayor and Council added monies for repairs as the weather allows, and he thought they were being taken care of. The City Manager said it is something that has to be done continuously. He does appreciate a citizen taking time to point out these things but the staff is attempting to stay up on the repairs.

2. Bernard Gaunt, 308 Lincoln Avenue. Mr. Gaunt thanked the Mayor and Council for the numerous programs. He said he has recently joined the bowling program for Seniors but it would be most helpful to have a bowling instructor at the programs to help the Seniors. The City Manager said he would check this out. Mr. Gaunt added that the Mayor and Council recently authorized funds for the installation of a left turn signal at Park Road and Hungerford Drive. He said that he imagined that they had gone to the State to have this taken care of. The State has done nothing. Mr. Goodin said the staff met with the State's Traffic Engineer last week, but there is no response from them yet. They were pleased that the City was willing to put up funds. It would seem that it is a simple task but it is taking longer than it should.

3. Margaret Sante, 541 Beall Avenue. Mrs. Sante was present this evening as a representative of Peerless Rockville. She presented the Mayor and Council with calendars and noted that the calendars sell for \$4. Councilman Tyner commented that the profits from the sale of the calendars benefit Historic Preservation.

4. Mansfield Kaseman, 704 Carter Road, representative of Community Ministry. Rev. Kaseman brought the greetings of the season to the Mayor and Council and he asked that maybe the date for Hanukkah and Christmas could be brought closer together so that all the citizens of Rockville could celebrate at the same time. He suggested that the Mayor and Council plan to take some time off and some time away from their day-to-day issues so that they can spend time with those near and dear to them. He noted a few people in attendance at this evening's meeting and said that is a compliment to the work the Mayor and Council does in handling the affairs of the City efficiently. Councilman Abrams noted that next year the Holidays coincide and there is a possibility that the City will have a joint ceremony.

Mayor Hanna thanked Rev. Kaseman for his time always and for coming here this evening. He noted that Rev. Kaseman works very long and hard hours also.

Mayor Hanna said he would like to take this time to thank the staff for the work they do throughout the year and at the same time thank the citizens of Rockville for their assistance since the City would not be as powerful without their help.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Review of 100% design drawings
of the Frederick Avenue Overpass

Mr. Davis brought the design to the Mayor and Council on the Frederick Avenue pedestrian overpass. He noted he is bringing it forward at this time because of the changes suggested by the staff that will result in long delays. He said despite repeated admonishments of displeasure, WMATA has persisted with unattractive designs. The Council agreed that it is not even necessary to examine them and comment on them, they are so bad. Councilman Tyner agreed and said WMATA has taken every opportunity to break its commitment to the citizens. He does not appreciate their threat and taking advantage of the community by saying that any change in these unacceptable drawings will cause a six month delay. Mayor Hanna asked that the staff go back and tell WMATA that the drawings are unacceptable and that the City wants what it said it would take, which is not really what it wants, but only what it had to settle for. Councilman Tyner asked that the City Manager keep the Progressive Citizen's Association informed

of the progress. Councilwoman Fordham asked what the timetable will do to inconvenience those citizens in Lincoln Park. Mr. Davis said he has been attempting to get that information but due to the holiday season it has been impossible to reach the officials at WMATA. Councilwoman Fordham noted that the Mayor and Council have made promises to the citizens and that six months in entirely unacceptable.

Re: Slide Show on Productivity

Mr. Hobbs, Assistant City Manager, showed the Council the productivity show developed by the staff which was recently shown to the National League of Cities in Atlanta, Georgia. The Mayor and Council complimented the staff on the work that was done and thanked them for the presentation.

Re: New Business

1. Councilman Abrams noted that there has been a recent rash of robberies due to calls calling people to the Post Office. He has also heard that there are burglars who are acquiring lists of people with service contracts and going out as representatives of these companies and robbing people. Mayor Hanna asked the Chief of Police to make a note of this.

2. Mr. Titus brought to the Mayor and Council's attention the memo concerning the Map Amendment Application, M-24-80 and M-25-80, and the fact that action prior to December 31 would have a significant effect on the tax situation. Mayor Hanna noted that there has been no opposition to the proposed change of zoning.

On motion of Councilwoman Fordham, there was introduced upon the table two ordinances, one granting map amendment application, M-24-80 and another M-25-80, Mayor and Council applicants on each.

Councilman Abrams moved, duly seconded and unanimously passed that the Mayor and Council suspend the lay over and publishing requirements on the agenda in order to adopt these ordinances this evening.

Ordinance No. 37-80 and 38-80

On motion of Councilman Freeland, duly seconded and unanimously passed, the Mayor and Council all voting aye, Ordinances No. 37-80 and 38-80, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting map amendment application, M-24-80 and M-25-80, were adopted by the Mayor and Council.

Re: Executive Session

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the meeting was closed for executive session to discuss litigation and property disposition.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session the meeting was adjourned at midnight to convene again in general session on Monday, January 12, 1981, at 8:00 p.m. or at the call of the Mayor.